

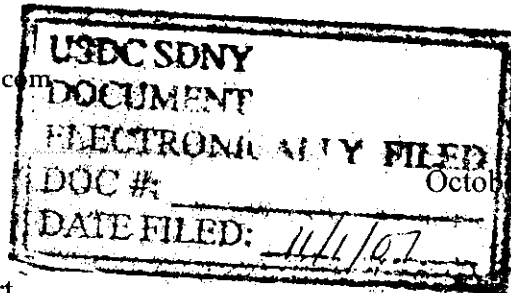


MOSKOWITZ & BOOK, LLP

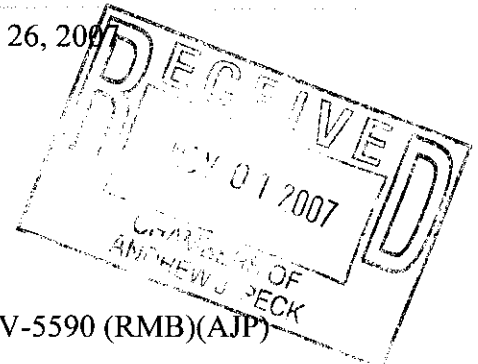
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Hon. Andrew J. Peck
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10017



October 26, 20



Re: *Phillip Kassai vs. Drinks America Holdings, Ltd.*, 07-SV-5590 (RMB)(AJP)
Compliance Conference November 2, 2007

Dear Judge Peck:

The parties in the above captioned matter are currently scheduled for a discovery compliance conference before Your Honor on Friday, November 2, 2007 at 9:00 am.

Counsel for both parties have conferred telephonically and are in agreement that a compliance conference at this stage of the litigation is unnecessary. Discovery in the matter is moving forward without issue at this stage. I have personally conferred with Mr. Sheldon Gopstein, Esq., counsel for Drinks America and he concurs with our position that there is no need to take the Court's time for a conference this coming Friday.

Accordingly, both sides suggest that the compliance conference be postponed until a date convenient to the Court following the Thanksgiving holiday.

MEMO ENDORSED *n/l/c7*

1. Conf responds at parties' request to
4/26 at 1030 AM.
2. 2nd Conf notes that it is daunting
to the Conf to sit on a request without
cc: Sheldon H. Gopstein, Esq. *by forming it.*
Attorneys for Defendant Drinks America

Respectfully submitted,

Susan J. Walsh, Esq.
Moskowitz and Book, LLP
Attorneys for Plaintiff Kassai

SO ORDERED:

Hon. Andrew Jay Peck
United States Magistrate Judge

BY FAX

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: November 1, 2007

Total Number of Pages: 2

TO	FAX NUMBER
Susan J. Walsh, Esq.	212-398-8835
Sheldon H. Gopstein, Esq.	212-363-3313

TRANSCRIPTION:

MEMO ENDORSED 11/1/07

1. Conf. adjourned at parties' request to 11/20 at 10:30 AM.
2. The Court notes that it is discourteous to the Court to mail such a request instead of faxing it.

Copy to: Judge Richard M. Berman